

REMARKS

Favorable consideration of the present application is respectfully requested. Claims 1-15 are currently pending in the application. Applicants have amended Claims 1-12, and new Claims 13-15 have been added to more specifically claim subject matter to which the Applicants are entitled. Support for Claims 13-15 can be found in at least paragraphs [0016], [0017], [0034] through [0038] and FIGs. 2-4 in the original specification. No new matter has been added by this Amendment, and the amendments are believed to place all of the currently pending claims in condition for allowance, which action is respectfully requested.

Claim 8 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Without acceding to the rejection, Claim 8 has been amended to more clearly recite that the clearance section is provided at the end of the lifting movement of the cover relative to the body by the pre-defined distance during the unscrewing of the cover relative to the body. Applicants believe Claim 8 to be definite and respectfully request that the rejection be formally withdrawn.

Claims 1-3, 5, and 9-11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,804,237 to Diamond et al. ("Diamond"). Without acceding to the rejection, Applicants have similarly amended Claims 1 and 9, although the rejection will be addressed in relation to Claim 1, which now recites, *inter alia*: "the sealed vessel being adapted to minimise the volume of the headspace and to draw product away from the access region to thereby maximize the height of the headspace above the product surface at the access region." Contrary to the Examiner's assertion, the sealed vessel of Diamond is not clearly adapted to draw product away from the access region. In fact, there is no mention in Diamond of any part of the can end acting to draw product away from the access region. Although the figures of Diamond appear to show the center of the concave surface (21) of the

can end extending close to the surface of the product in the container (see FIGS 2b, 2c), there is no indication that the figures are to scale. Further, no measurement data are given for the height of the center of the concave surface (21) above the product surface.

The lack of any measurement data in Diamond for the height of the center of the concave surface (21) above the product surface is not surprising because the object of Diamond is very different to that of the invention of Claims 1 and 9. Specifically, the object of Diamond is to provide a thin-walled container suitable for sterilizing (e.g., in a retort) having a can end which is able to maintain a concave profile during sterilization, while still being able to bulge outwards into a convex profile in response to bacterial pressurization. In contrast, the invention of claims 1 and 9 is addressing the very different problem of minimizing spurting from pressurized containers on opening (see paragraphs 4 and 5 of the description). The skilled person would not consider the contents of Diamond when seeking to address the problem of minimizing spurting from containers because there is no disclosure in Diamond of spurting at all, let alone any disclosure of the significance of the spacing between the center of the concave surface (21) above the product surface. The other items of prior art cited by the Examiner similarly do not disclose a sealed vessel adapted to draw product away from the access region.

Therefore, Applicants believe that independent Claims 1 and 9, as well as Claims 2, 3, 5, 9-11, 14 and 15 that depend directly or indirectly from claim 1, are allowable over Diamond. Accordingly, Applicants respectfully request the Examiner formally withdraw the Section 102 rejection (b) and allow Claims 1-3, 5, 9-11, 14 and 15.

Claims 7-8 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,443,682 to Gueritey ("Gueritey"). Without acceding to the rejection, Claim 7 has been amended to recite inter alia:

“the screw thread arrangement being adapted to lift the cover relative to the body by a pre-defined distance during unscrewing of the cover from the body, the screw thread arrangement comprising a thread on either or both of the can body and the cover, the thread having two thread portions vertically disposed from each other and interconnected by a sloping portion.”

Gueritey simply discloses a conventional screw thread of the type found to attach a cover to a container and does not disclose a “screw thread arrangement comprising a thread on either or both of the can body and the cover, the thread having two thread portions vertically disposed from each other and interconnected by a sloping portion,” as recited in Claim 7.

Therefore, Applicants believe that Claim 7, and Claims 8 and 13 that depend therefrom, are allowable over Gueritey. Accordingly, Applicants respectfully request the Examiner formally withdraw the Section 102(b) rejection of Claims 7 and 8 and allow Claims 7, 8 and 13.

Claims 4 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable by over Diamond in view of U.S. Patent No. 3,814,279 to Rayzal (“Rayzal”). Applicant respectfully traverses the rejection. Rayzal fails to make up for the deficiency of Diamond and also fails to teach or suggest all of the elements of Claim 1. Therefore, for at least those reasons given above in relation to Diamond for independent Claim 1, the Section 103(a) rejection of Claims 4 and 12 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the Section 103 rejection of and allow Claims 4 and 12.

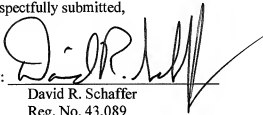
Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable by over Diamond in view of U.S. Patent No. 5,135,124 to Wobser (“Wobser”). Applicant respectfully traverses the rejection. Wobser fails to make up for the deficiency of Diamond and also fails to teach or suggest all of the elements of Claim 1. Therefore, for at least those reasons given above in relation to Diamond for independent Claim 1, the Section 103(a) rejection of Claim 6 is also

believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the Section 103 rejection of and allow Claim 6.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4515-16167US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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Date: September 18, 2009

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